

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lisa S. Martin, Tracy A. Masson, Matthew S. Snyder, Philip F. Mallory
Assignee: Dell Products L.P.
Title: Inventory and Order Management Tool
Serial No.: 09/773,102 Filing Date: January 31, 2001
Examiner: Elaine L. Gort Group Art Unit: 3627
Docket No.: DC-02830 Customer No. 33438

Austin, Texas
August 20, 2008

Electronically Submitted

PRE-APPEAL BRIEF REQUEST FOR REVIEW AND ARGUMENTS

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1 and 3-18 stand rejected under 35 U.S.C. §103 as being unpatentable over Goss, Great Britain Patent No. GB2,366,003 A (Goss GB) in view of Shavit et al., U.S. Patent No. 4,799,156.

ARGUMENTS

Applicants note the following issues with the Office action mailed on May 22, 2008. The Office action notes that the action is responsive to an amendment filed on December 6, 2007. However, it appears that the Office action is in fact responsive to the Notice of Appeal and Pre-Appeal Brief Request for Review filed on May 7, 2008. The Office action states that Applicant's amendment filed on December 6, 2007 necessitated the new grounds for rejection and thus the Action dated May 22, 2008 is made final. However, as noted, it appears that the Office action is in fact responsive to the Notice of Appeal and Pre-Appeal Brief Request for Review filed on May 7, 2008. Additionally, while the Remarks portion of the Office action notes that the rejection is Final, the Office Action Summary does not so indicate. Additionally, while the

examiner rejects the claims over Goss GB in view of Shavit and indicates that this is a new grounds of rejection. However, Goss GB is the Published UK application which claims priority from Goss, U.S. Patent No. 6,236,901 B1 (Goss US), upon which the previous rejection was based. (See e.g., Page, 2 of the Final office action dated March 10, 2008.) Note that in this Pre-Appeal Brief Request Goss GB and Goss US are generally referred to as Goss.

The present invention generally relates to a method for a manufacturer to order material. More specifically, in some embodiments, the invention relates to a method for a manufacturer to order material in which the material is not ordered until the manufacturer realizes a demand based upon orders received from customers. In other embodiments, the invention relates to a method for a manufacturer to order material in which the material from suppliers and supply logistics centers are considered when ordering the material to manufacture a computer system.

Goss discloses a build to order product assembly environment in which responsive to orders received; kit trays are prepared that each hold the components needed to build an ordered product. The kit tray is transferred to a work cell where a team builds the product. The product is then tested and repaired, with information regarding any problems provided to the responsible work cell. Thus, within Goss, it is assumed that the components needed to prepare the kit trays are already present within the manufacturing facility. There is no discussion within Goss of how the components arrive at the manufacturing facility.

Accordingly, Goss provides no disclosure or suggestion relating to a method for a manufacturer to order material and specifically does not disclose or suggest material not ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material.

Shavit discloses a system for interactive on-line electronic communications and processing of business transactions between a plurality of different types of independent users including sellers, and buyers, as well as financial institutions, and freight service providers. The system includes a data base which contains user information. The data base is accessed via a validation procedure to permit business transactions in an interactive on-line mode between users during interactive business transaction sessions where one party to the transaction is specifically selected by the other party. The system permits concurrent interactive business transaction sessions between different users.

When discussing Shavit, the Examiner set forth:

Shavit et al. discloses that it is old and well known in the art of inventory supply chains for buyers to communicate via a computer system with supplier and distributors (constructed as “supplier logistics centers”) to determine which suppliers and/or distributors can meet the buyers needs for inventory items and quantities and where the buyer can then identify a supplier or distributor to submit their order to in order to provide buyer’s with a fast, efficient and automated mode of procuring needed items (Office Action 05/22/08, Page 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the just-in-time method of supplying materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Shavit et al., in order to provide fast, efficient and automated means for procuring desired materials/components. Examiner notes that in this modified scenario just-in-time truck deliveries would be ordered via the product ordering system of Shavit et al. when customer orders are submitted.(Office Action 05/22/08, Page 4).

However, as with Goss, Shavit does not disclose or suggest a method for a manufacturer to order material and specifically does not disclose or suggest material not ordered until the manufacturer realizes a demand, the manufacturer realizes the demand for the material after orders are received from customers, fulfilling the orders requires assembling products, and assembling the products requires the material. Additionally, it is noted that a request for quote does not inherently include quantities desired, much less identifying a supplier or a supplier logistics center to receive an order for material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers and ordering material from the supplier or supplier logistics center identified to receive the order.

Thus, Goss and Shavit, taken alone or in combination, do not disclose or suggest a method which includes sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order much less such a method where the material is not ordered until a manufacturer realizes a demand where the manufacturer realizes the demand for the material after orders are received from customers and where fulfilling the orders requires assembling the products and assembling the products requires the material, all as required by claim 1.

More specifically, Goss and Shavit, taken alone or in combination do not teach or suggest a method for a manufacturer to order material where the method includes, *identifying a supplier*

or a supplier logistics center to receive an order for the material based upon the considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers, and sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order and wherein the material is not ordered until a manufacturer realizes a demand where the manufacturer realizes the demand for the material after orders are received from customers and where fulfilling the orders requires assembling products and assembling the products requires the material, all as required by amended independent claim 1. Accordingly, claim 1 is allowable over Goss and Shavit. Claims 3 – 6 depend from claim 1 and are allowable for at least this reason.

Additionally, Goss and Shavit, taken alone or in combination, do not disclose or suggest identifying ***a supplier or supplier logistics center*** *to receive an order for a material based upon considering a quantity of a material available*, much less *ordering the material from the supplier or supplier logistic center identified to receive the order and assembling the computer system at an assembly facility from the material received at the assembly facility*, as required by claim 7 and as generally required by claims 13 and 19.

More specifically, Goss and Shavit, taken alone or in combination do not teach or suggest a method of assembling *a computer system*, much less such a method which includes *identifying a supplier or a supplier logistics center to receive an order for the material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers*, ordering the material from the supplier or supplier logistics center identified to receive the order, and assembling the computer system at an assembly facility from the material received at the assembly facility, all as required by independent claim 7. Accordingly, claim 7 is allowable over Goss and Shavit. Claims 8 – 12 depend from claim 7 and are allowable for at least this reason.

Goss and Shavit, taken alone or in combination do not teach or suggest a method of manufacturing *a computer system*, much less such a method which includes considering a quantity of a material available from a plurality of supplier logistics centers via a computer system, *identifying a supplier to receive an order for the material based upon considering the quantity of material available from the plurality of suppliers and considering the quantity of materials available from the plurality of supplier logistic centers*, sending electronically an order

for material to the supplier or supplier logistics center identified to receive the order, and manufacturing the computer system at a manufacturing facility using the material received at the manufacturing facility, all as required by independent claim 13. Accordingly, claim 13 is allowable over Goss and Shavit. Claims 14 – 18 depend from claim 13 and are allowable for at least this reason.

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, please telephone the undersigned.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on August 20, 2008.

/Stephen A. Terrile/

Attorney for Applicant(s)

Respectfully submitted,

/Stephen A. Terrile/

Stephen A. Terrile
Attorney for Applicant(s)
Reg. No. 32,946